

REMARKS

This paper is filed responsive to the Office Action mailed January 22, 2009. Claims 1-6 are cancelled; claims 7-18 pending in the application. No new matter is added.

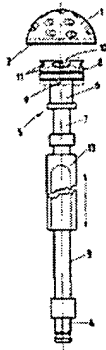
The abstract of the disclosure is objected to because it exceeded the maximum word count. Applicants replaced the abstract with a new abstract.

Claims 1-6 stand rejected under 35 U.S.C. 102(b) as being anticipated by Lechot (U.S. Patent No. 5,658,290). Applicants traverse this rejection. Applicants have cancelled claims 1-6 and present a new set of claims 7-18 that have been drafted to conform with U.S. style. Applicants submit that the claims are allowable over Lechot.

Independent claim 7 claims an instrument assembly for use in orthopaedic surgery that includes a component that is positionable within a body cavity to engage a bone, the component having an open end and at least one bar extending across the open end, and a manipulator having at least one clasp for engaging a portion of the bar so as to fasten the component to the manipulator. The clasp includes: a plate having a plate surface and at least one hook extending away from the plate surface, the hook having a root whereat the hook connects with the plate surface, a free end, an undersurface, and a mouth defined between the free end and the plate surface, and the distance between the undersurface of the hook and the plate surface decreases when measured from the free end to the root; a collar having at least one pin extending upwardly therefrom; and a spring disposed between the collar and the plate, configured to bias the collar toward the plate; and wherein the hook is configured such that, when the portion of the bar is disposed within the mouth and is moved relative to the plate from a first position, where the bar portion contacts the undersurface of the free end, to a second position toward the root, the hook and pin are displaced relative to one another thereby enabling the portion of the bar to be moved to a third position between the root and the pin.

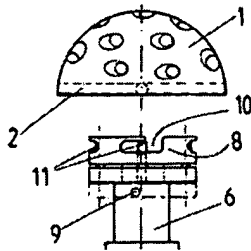
Commenting on two aspects of the claim, in particular, at least paragraphs 15-17, and 41-42 of U.S. Application Publication No. 2007-0142840 describe, and Figs. 2 and 3 and show, that the distance between the undersurface of the hook and the plate surface decreases when measured from the free end to the root. Further, at least paragraphs 45 and 46 of U.S. Application Publication No. 2007-0142840 describe, and Figs. 4-6 show, the three different positions referred to in the wherein clause.

Lechot is an example of the prior art device described in the final paragraph of page 1 of the specification (paragraph 4 of U.S. Application Publication No. 2007-0142840). Referring to the Figure 2 of Lechot, reproduced below, to assemble cap 1 to shank 3, requires that a user grasp one end of the shank 3, move slide 6 proximally toward element 4 of shank 3 against the force supplied by spring 9, and then rotate cap 1 such that its bars are captured within the bayonet catches 10. Such a procedure is clumsy and may require three hands.



Lechot fails to disclose the elements of independent claim 7. Among other elements, Lechot does not describe a plate having a plate surface and at least one hook extending away from the plate surface, the hook having a free end and an undersurface, and wherein the distance between the undersurface of the hook and the plate surface decreases when measured from the

free end to the root. Instead, the undersurface of the thin aspect of flange 8 that serves the function of capturing the cap bar in conjunction with studs 11 (Lechot's "hook") is shown as parallel to the lower surface of collar 11.



Further, Lechot's hook is not "configured such that, when the portion of the bar is disposed within the mouth and is moved relative to the plate from a first position, where the bar portion contacts the undersurface of the free end, to a second position toward the root, the hook and pin are displaced relative to one another thereby enabling the portion of the bar to be moved to a third position between the root and the pin." As discussed above, though not described with respect to the invention described in Lechot, the background section describes how this particular aspect works in Lechot: the user must move slide 6 relative to flange 8 to open catches 10 to receive the bars of cap 2. Lechot, col 1:27-28 ("In order to open the catches of the bayonet, it suffices to distance the slide sufficiently from the bayonet."). Lechot fails to describe the structure of claim 7 and therefore does not anticipate the claimed invention. As such, applicants request that the rejection be withdrawn.

With respect to the dependent claims, Applicants submit that they are allowable at least because they depend on claim 7. Further, at least the elements described in claims 10-13 and 16-17 are not described in Lechot, and are patentable in their own right.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/DEP5062USPCT/BST.

Docket No. DEP5062USPCT
Serial No. 10/566,146

Applicants submit that the application is presently in condition for allowance and request favorable reconsideration and early notice of allowance. If it would speed prosecution, the Examiner is encouraged to contact the undersigned attorney by telephone.

Respectfully submitted,

/Brian S. Tomko/

By: _____

Brian S. Tomko
Reg. No. 41349

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1239
Dated: April 22, 2009